



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,956	03/21/2000	Bryan M. Eagle III	11459/1	6873

23838 7590 05/15/2003

KENYON & KENYON  
1500 K STREET, N.W., SUITE 700  
WASHINGTON, DC 20005

EXAMINER
----------

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/531,956

Applicant(s)

EAGLE, BRYAN M.

Examiner

Robert W. Morgan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-119 is/are pending in the application.
- 4a) Of the above claim(s) 1-88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group III, claims 89-119 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 89, 97, 98, 99 and 114 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Art Unit: 3626

In the present case, claims 89, 97, 98, 99 and 114 only recite an abstract idea. The recited steps of merely filling one or more available passenger accommodations comprising communicating an availability of the charter transport to an accommodation reservation service and receiving and submitting bids regarding a passenger list and departure schedule from the accommodation reservation service does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention is a method for scheduling travel on one or more charter transports having an available passenger accommodation.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 89, 97, 98, 99 and 114 are deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 89-90 and 97-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over “BostonCoach and Skyjet.com Announce ‘Home to Jet’ Transportation Services” by Business Wire (hereinafter “Business Wire”) in view of U.S. Patent No. 6,085,169 to Walker et al.

As per claim 89, Business Wire teaches BostonCoach the leading global provider of ground transportation and Skyjet.com the national online provider of air charter reservation joined force to give business travelers a streamline “home to jet” transportation service (see: paragraph 1). Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling one or more available passenger accommodations comprising:

- the claimed communicating an availability of the charter transport to an accommodation reservation service; and

- the claimed receiving a passenger list and departure schedule from the accommodation reservation service.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer. In addition, the parameters of a CPO may allow a customer to specify one or more preferred airline(s), flights, seat assignments, seat class, aircraft type, refund/change rules, or maximum layover time (reads on “receiving a passenger list and departure schedule from the accommodation reservation service”) (see: column 5, lines 31-43). Walker et al. further teaches CPO rule which are a set of restrictions defined by a given

Art Unit: 3626

seller, such as an airline, to define a combination of restrictions for which the seller is willing to accept at a predefined minimum price (see: column 44-47). For example, a CPO rule for a given airline can specify that the airline will accept any CPO for travel between Newark, N.J. (EWR) and Orlando, Fla. (MCO) during the month of October, 1997, provided that (i) the customer travels between Tuesday and Thursday, (ii) the tickets are booked within 21 days of departure, (iii) the price is at least \$165 per ticket, (iv) K-class inventory is available on all flight segments of the customer's itinerary, and (v) there are at least two (2) passengers traveling together (see: column 5, line 64 to column 6, line 5). In addition, Walker et al. teaches a flight schedule database (800, Fig. 6) that stores specific flight information for each origin and destination (O & D) Pair (reads on "communicating an availability of the transport to an accommodation reservation service") (see: column 9, lines 60-61).

Therefore, it would have been obvious to a person of skill in the art at the time the invention was made to include the conditional purchase offer management system as taught by Walker et al. within the BostonCoach and Skyjet.com system as taught by Business Wire with the motivation of providing a buyer-driven system that permits an airline to sell ticket to leisure travelers at a set price (see: Walker et al.: column 2, lines 24-27).

As per claim 90, Walker et al. teaches the claimed communicating run periods associated with the charter transport. This limitation is met by the flight schedule database (800, Fig. 6) that stores specific flight information for each origin and destination (O & D) Pair (see: column 9, lines 60).

Art Unit: 3626

As per claim 97, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling an available passenger accommodations on a charter transport, comprising:

- the claimed submitting a bid to fulfill a passenger accommodation request; and
- the claimed receiving notification that the bid was successful.

Walker et al. teaches a CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is either accepted, rejected or countered by the airline (reads on “submitting a bid to fulfill a passenger accommodation request”). Thereafter, the customer is notified of the response of the airlines to the CPO (reads on “receiving notification that the bid was successful”). If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claim 98, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling an available passenger accommodation on a charter transport, comprising:

Art Unit: 3626

- the claimed communicating an availability of the charter transport;
- the claimed receiving bids for the available passenger accommodation; and
- the claimed selecting a bid for the available passenger accommodation.

Walker et al. teaches a CPO management process (1600, Fig. 16a) where a received CPO from a customer (reads on “receiving bids for the available passenger accommodation”) is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is either accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts (reads on “selecting a bid for the available passenger accommodation”) a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67). Furthermore, Walker et al. teaches a flight schedule database (800, Fig. 6) that stores specific flight information for each origin and destination (O & D) Pair (reads on “communicating an availability of the transport to an accommodation reservation service”) (see: column 9, lines 60-61).

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claim 99, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for obtaining a passenger accommodation reservation on a charter transport, comprising:



Art Unit: 3626

--the claimed submitting a passenger accommodation reservation request having an origin, destination, and departure period; and

--the claimed receiving a passenger accommodation reservation and a departure schedule.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer.

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claims 100-101, Walker et al. teaches the claimed receiving notification of a charter transport run corresponding to the passenger accommodation reservation request. This feature is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO (reads on "receiving notification of a charter transport run corresponding to the passenger accommodation reservation request"). If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

Art Unit: 3626

As per claims 102-103, Walker et al. teaches the claimed receiving a bid to provide a passenger accommodation, the bid related to the passenger accommodation reservation request. This limitation is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline (see: column 7, lines 55-67).

As per claim 104, Walker et al. teaches the claimed receiving a plurality of bids to provide a passenger accommodation, the plurality of bids related to the passenger accommodation reservation request. This feature is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airlines and as a result of the comparison the CPO is accepted, rejected or countered by the airline (see: column 7, lines 55-67).

As per claims 105-106, Walker et al. teaches the claimed selecting and accepting a bid to provide a passenger accommodation. This feature is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claim 107, Walker et al. teaches the claimed receiving a passenger accommodation reservation offer associated with a charter transport run. This feature is met by the conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional

Art Unit: 3626

purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer (see: column 5, lines 31-43).

As per claim 108, Walker et al. teaches the claimed receiving a passenger accommodation reservation offer associated with a charter transport run related to the passenger accommodation reservation request. This feature is met by the conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer (see: column 5, lines 31-43).

As per claim 109, Walker et al. teaches the claimed accepting a passenger accommodation reservation offer associated with a charter transport run. This limitation is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts a

Art Unit: 3626

counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claim 110, Walker et al. teaches the claimed accepting a passenger accommodation reservation offer for a charter transport run related to the passenger accommodation reservation request. This feature is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claim 111, Walker et al. teaches the claimed providing payment for the passenger accommodation reservation. This limitation is met by the CPO management process (1600, Fig. 16C) where credit card information associated with a given customer is transmitted to the credit card issuer for payment (see: column 9, lines 23-38).

As per claims 112-113, Business Wire teaches the claimed arriving and boarding at a charter transport boarding facility. This feature is met by BostonCoach ground transportation, where each air charter reservation allows the customer to be delivered from their office or home to the jet and back again once their flight returns (see: paragraph 2).

As per claim 114, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach method for obtaining a passenger accommodation reservation on a charter transport, comprising:

- the claimed reviewing available charter transports; and
- the claimed submitting a bid for a passenger accommodation on a charter transport run.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer. Furthermore, during step 1616, appropriate legal language including a submitted CPO is displayed or read to the customer and the CPO management system will wait for an acknowledgment from the customer to form a binding conditional purchase offer (CPO) (see: column 19, lines 7-29).

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claims 115-119, Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and

Art Unit: 3626

whether connecting flights or stopovers are acceptable to the customer (reads on “identifying at least one origin destination-pair and a corresponding time period”). In addition, the parameters of a CPO may allow a customer to specify one or more preferred airline(s), flights, seat assignments, seat class, aircraft type, refund/change rules, or maximum layover time (see: column 5, lines 31-43). Walker et al. further teaches a flight schedule database (800, Fig. 6) that stores specific flight information for each origin and destination (O & D) Pair (reads on “receiving a departure schedule”) (see: column 9, lines 60-61). In addition, Walker et al. teaches a CPO management process (1600, Fig. 16a) where a received CPO from a customer (reads on “receiving a passenger accommodation reservation”) is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified (reads on “receiving notification of a successful bid”) of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

6. Claims 91-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over “BostonCoach and Skyjet.com Announce ‘Home to Jet’ Transportation Services” by Business Wire (hereinafter “Business Wire”) and U.S. Patent No. 6,085,169 to Walker et al. in view of U.S. Patent No. 5,778,381 to Sandifer.

As per claims 91-96, Business Wire and Walker et al. teach that BostonCoach the leading global provider of ground transportation and Skyjet.com the national online provider of air charter reservation have joined to give business travelers a streamline “home to jet” transportation service (see: Business Wire: paragraph 1).

Art Unit: 3626

Business Wire and Walker et al. fail to teach receiving inspection communications related to maintenance and service in the form of reminders, requests and orders.

Sandifer teaches a maintenance and repair information system (10, Fig. 1) that has a Aircraft Specific Mode allowing aircraft operators such as pilots and the mechanics responsible for keeping aircraft airworthy to perform troubleshooting and compliance record keeping (see: column 5, lines 44-61).

Therefore, it would have been obvious to a person of skill in the art at the time the invention was made to include the maintenance and repair information system that receives inspection communications related to maintenance and service in the form of reminders, requests and orders as taught by Sandifer with the system taught by Business Wire and Walker et al. with the motivation of providing a system to facilitate access to, and update of, maintenance and repair information by the aviation industry (see: Sandifer: column 1, lines 42-44).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art ("Booking Private Jets Online: Skyjet.com Air Charter Reservation Service Creates On-Demand Airlines") PR Newswire discloses that Skyjet.com has announced the nation's first and only real-time online reservation service for booking charter business jets via the Internet.

In related art (EP 1074931A2) McCown teaches a computer implemented method and apparatus for identifying suitable charter aircraft for an itinerary.


Art Unit: 3626

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RWM  
rwm  
May 9, 2003

  
DINH X. NGUYEN  
PRIMARY EXAMINER